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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,084

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Seiichi Kawano

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EXAMINER

PIZIALI, JEFFREY J

ART UNIT

PAPER NUMBER

2629

MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/722,084

Applicant(s)

KAWANO, SEIICHI

Examiner

Jeff Piziali

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/938,221.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/938,221, filed on 23 August 2001.

### ***Election/Restrictions***

2. Applicant's election of Species I (i.e., claims 1-5) in the reply filed on 26 April 2007 is acknowledged and appreciated. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Specification***

3. The disclosure is objected to because of the following informalities: the term "suer's" should be changed to "user's" (see Page 2, Line 13 of the Instant Specification). Appropriate correction is required.
4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 2 recites the limitation "the gradation" in lines 2-3 and the limitation "each RGB element" in line 3. There is insufficient antecedent basis for either limitation in the claim.

8. Claim 2 is further rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between "an image" (recited in claim 1, line 3) and "an image" (recited in claim 2, line 3). It would be unclear to one having ordinary skill in the art whether the claims are referring to a single identical image, or rather referring to two separate and distinct images.

9. Claim 3 recites the limitation "the screen brightness" in lines 1-2; the limitation "the screen" in line 3; and the limitation "the whole screen" in line 5. There is insufficient antecedent basis for these limitations in the claim.

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10. Claim 3 is further rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

The omitted structural cooperative relationships are between "the screen brightness" recited in lines 1-2, "the display brightness" recited in line 3, and "the brightness" recited in line 5. It would be unclear to one having ordinary skill in the art whether "the brightness" refers to "the display brightness" or the "screen brightness."

Additional omitted structural cooperative relationships are between "the screen" recited in line 3, and "the whole screen" recited in line 5. It would be unclear to one having ordinary skill in the art whether the claims are referring to a single identical screen region, or rather referring to two separate and distinct screen regions.

11. Claim 4 recites the limitation "the state" in line 2 and the limitation "each window" in line 2. There is insufficient antecedent basis for these limitations in the claim.

12. Claim 4 is further rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between "a focused window" (recited in claim 4, line 3) and "a certain window" (recited in claim 3, line 3). It would be unclear to one having ordinary skill in the art whether the claims are referring to a single identical window, or rather referring to two separate and distinct windows.

13. Claim 5 recites the limitation "each RGB element" in line 3. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 5 is further rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are between "obtaining gradation information" recited in line 3, and "the obtained gradation" recited in line 5. It would be unclear to one having ordinary skill in the art whether "the obtained gradation" is identical to the "gradation information," or rather distinct and separate from the "gradation information."

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by *Evanicky et al* (US 6,611,249 B1).

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Regarding claim 1, Evanicky discloses a brightness adjusting system [Fig. 1; 10] (see Column 6, Line 15 - Column 7, Line 12), comprising: a display gradation calculator [Fig. 14D; 800] to calculate a display brightness in a specific area [Fig. 17; 1140] of an image [Fig. 17; 1100] displayed on a screen [Figs. 2 & 17; 210] of a display unit [Fig. 2; 216] (see Column 7, Lines 15-56); and a brightness adjuster [Fig. 1; 12] to adjust [Fig. 16; 1060] a screen brightness of the display unit according to the display brightness in the specific area (see Column 19, Line 48 - Column 20, Line 24), calculated by the display gradation calculator (see Column 18, Line 30 - Column 19, Line 47).

Regarding claim 2, Evanicky discloses the display gradation calculator calculates the display brightness in the specific area by converting the gradation of each RGB element in a draw signal of an image displayed in the specific area to a gray scale gradation (see Fig. 16; Column 18, Line 30 - Column 19, Line 57).

Regarding claim 3, this claim is rejected by the reasoning applied in rejecting claim 1; furthermore, Evanicky discloses a brightness controlling method [Fig. 16; 1000] for controlling the screen brightness [Figs. 2 & 17; 210] of a display unit [Fig. 2; 216] (see Column 7, Lines 15-56), wherein the method comprises: calculating [Fig. 14D; 800] the display brightness in a certain window [Fig. 17; 1140] displayed on the screen of the display unit (see Column 19, Line 48 - Column 20, Line 24); and adjusting the brightness of the whole screen of the display unit according to the calculated display brightness (see Column 18, Line 30 - Column 19, Line 47).

Regarding claim 4, Evanicky discloses the method further comprises monitoring the state of each window displayed on the screen of the display unit so as to detect a focused window [Fig. 17; 1140] on the screen, and calculating the display brightness further comprises calculating the display brightness in the detected focused window (see Fig. 16; Column 18, Line 30 - Column 19, Line 57).

Regarding claim 5, Evanicky discloses calculating the display brightness further comprises: obtaining gradation information of each RGB element in a color displayed in the window; and converting the obtained gradation of each RGB element to a gray scale gradation so as to decide the converted gray scale gradation as the display brightness in the window (see Fig. 16; Column 18, Line 30 - Column 19, Line 57).

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Funamoto et al (US 6,795,053 B1), Johnson (US 6,608,614 B1), Mendelson et al (US 6,559,826 B1), Someya et al (US 6,300,931 B1), Kawashima et al (US 6,188,380 B1), Clifton et al (US 6,043,797 A), Katada (US 5,933,089 A), Walsh et al (US 5,886,681 A), Blouin (US 5,850,205 A), Ichise (US 5,786,801 A), Bohan et al (US 5,371,537 A), and Wood (US 5,128,782 A) are cited to further evidence the state of the art pertaining to liquid crystal display units and computer systems.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali  
3 July 2007